

UNITED STATES DISTRICT COURT FOR  
THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION

ANTHONY C. BASS,	)	
	)	Civil Action No. 2:14-cv-04196-DCN
Plaintiff,	)	
	)	
-vs-	)	
	)	DEFENDANTS SOUTHLAND
FMI SERVICES GROUP, INC.,	)	LANDSCAPE CORPORATION AND
SOUTHLAND LANDSCAPE	)	DONALD L. POTTIEGER, SR.'S
CORPORATION (d/b/a SOUTHLAND	)	RESPONSES TO RULE 26.01,
LANDSCAPE MANAGEMENT AND	)	DSC INTERROGATORIES
f/k/a GROUNDS CONTROL LANDSCAPE	)	
MANAGEMENT, INC.), DONALD L.	)	
POTTIEGER, SR. and	)	
DONALD L. POTTIEGER, JR.,	)	
	)	
Defendants.	)	
_____	)	

(A) State the full name, address, and telephone number of all persons or legal entities who may have a subrogation interest in each claim and state the basis and extent of said interest.

**Answer:** There are no claims for subrogation; Defendants Southland Landscape Corporation and Donald L. Pottieger, Sr. have a claim for indemnity against Defendant Donald L. Pottieger, Jr. under and Asset Purchase Agreement and an Assignment and Assumption Agreement, copies of which are attached to the Cross Claim.

(B) As to each claim, state whether it should be tried jury or nonjury and why.

**Answer:** These Defendants requests a nonjury trial.

(C) State whether the party submitting these responses is a publicly owned company and separately identify: (1) each publicly owned company of which it is a parent, subsidiary, partner, or affiliate; (2) each publicly owned company which owns ten percent or more of the outstanding shares or other indicia of ownership of the party; and (3) each publicly owned company in which

the party owns ten percent or more of the outstanding shares.

**Answer:** These corporate Defendants are privately held companies.

(D) State the basis for asserting the claim in the division in which it was filed (or the basis of any challenge to the appropriateness of the division). See Local Civil Rule 3.01.

**Answer:** The Defendant Southland Landscape Corporation's principal place of business is located in this Division, and these Defendants concede that this is the appropriate Division for this litigation.

(E) Is this action related in whole or in part to any other matter filed in this District, whether civil or criminal? If so, provide: (1) a short caption and the full case number of the related action; (2) an explanation of how the matters are related; and (3) a statement of the status of the related action. Counsel should disclose any cases which may be related regardless of whether they are still pending.

**Answer:** This case is unrelated to any pending litigation in this District.

(F) *[Defendants only.]* If the defendant is improperly identified, give the proper identification and state whether counsel will accept service of an amended summons and pleading reflecting the correct identification.

**Answer:** These Defendants are properly identified; however, Defendant FMI Services Group, Inc. is improperly named, as it was merged into Southland Landscape Corporation and is no longer in existence, and the Complaint erroneously alleges that Southland Landscape Corporation formerly did business under the name Grounds Control Landscape Management, Inc. In the event that Plaintiff desires to correct these assertions, these Defendants would accept service of an Amended Summons and Complaint.

(G) *[Defendants only.]* If you contend that some other person or legal entity is, in whole or in part, liable to you or the party asserting a claim against you in this matter, identify such person or entity and describe the basis of said liability.

**Answer:** Defendant Donald L. Pottieger, Jr. is liable to Defendants Southland

Landscape Corporation and Donald L. Pottieger, Sr. to any extent that these Defendants are liable to the Plaintiff; the said liability is based upon obligations assumed in a Stock Purchase Agreement and Assignment and Assumption Agreement.

BERNSTEIN & BERNSTEIN, P.A.

s/Robert A. Bernstein

Robert A. Bernstein

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ATTORNEYS FOR THE DEFENDANTS

SOUTHLAND LANDSCAPE CORPORATION

AND DONALD L. POTTIEGER, SR.

November 20, 2014